



**Local & Regional
Europe**

Fitness Check of the Water Framework Directive and the Floods Directive

CEMR key messages

Response to the EU Public consultation

March 2019

CEMR key messages

1. CEMR acknowledges the improvement of the state of water and management with the current WFD. The objectives should therefore be maintained and further developed, in line with the targets of SDG n°6 on clean water and sanitation
2. Local governments however call for some adjustments without reducing the ambition of the directive
3. First step: a proper harmonisation and coherence between the legislation regarding water issues and beyond
4. Second step: an integrated approach and appropriate governance involving local governments
5. Third step: a genuine simplification and reduction of the administrative burden in terms of implementation and reporting and/or creation of corresponding funding to support
6. Move towards the implementation of the polluter pays principle
7. Derogations to the WFD should be allowed when protective measures are guaranteed

This working paper was prepared by CEMR with the support of its member associations' experts on water issues. It will be formally approved at CEMR statutory bodies in the upcoming months.

Context

The Water Framework Directive (WFD), in force since 2000, is an ambitious piece of EU environmental legislation which aims to achieve good status for all water bodies in EU by 2015, extended to 2027. While the implementation of the directive is not equally completed all over Europe, new challenges such as climate change or other pressures on water quantity and quality appeared in the last decade.

In this context, the ambition of the WFD should remain a priority. Moreover, it contributes to the implementation of the Sustainable Development Goal (SDG) 6 which aims to ensure access to water and sanitation for all (see the goals of SDG 6 in annex). CEMR brings the following key messages to the legislator as a contribution to the evaluation that the WFD will undergo in 2019

Key messages

1. CEMR acknowledges the improvement of the state of water and management with the current WFD therefore the objectives should be maintained and further developed.

The state of waters in the EU has clearly improved through the implementation of the WFD in the last decades. Even though the good water status will probably not be reached by 2027 in all waters, the WFD has proven itself as a major framework instrument and needs to be continued. The environmental objectives of the Directive must be maintained while the existing approach to achieving these objectives must be further developed. It is important that the further development of the WFD is carried out with the involvement of the actors in the water sector and is taking into account the real possibilities for achieving the objectives in the respective management period. In order to achieve this, realistic intermediate targets may be defined for the respective management cycles.

2. Local governments however call for some adjustments without reducing the ambition of the directive

While we underline the need for a continued ambitious EU water directive post 2027 to ensure that we protect our European waters, we recommend improving the implementation of the WFD to ensure that it serves its purpose and that it fully responds to the challenges of the 21st century. There are many challenges due to developments beyond water that must be addressed such as land use intensification, climate change, geographical changes, pollutants and pressures from various sectors. The review of the directive should reflect these challenges in adjusting the reference conditions, which determine the assessment of the status of the ecological status of the water. This adjustment would allow to move from a theoretical to a more realistic approach taking into account the natural and historical influences on water quality and quantity.

3. First step: a proper harmonisation and coherence between the legislation regarding water issues and beyond

It is essential for the success of the WFD that the future European Water legislation is aligned with the objectives of the WFD. This applies in particular to the on-going revision of the drinking water directive, the future revision of the municipal sewage directive and the proposal on minimum requirements for water reuse. These legal regulations must be harmonised with each other. New requirements should be based on the objective of the WFD.

Moreover, water protection is not only the task of municipalities and water management stakeholders. It also depends on many other parameters and actors. Agriculture, industry and transport have a significant impact on water quality. They carry pollutants and nutrients into the environment that cannot be reduced by water management.

Therefore, water protection should be included in particular in the reform of the EU Common Agricultural Policy. The nitrate and pesticide inputs oftentimes have a significant impact on water quality. An ambitious strategy for the reduction of pharmaceuticals in waters should also be brought forward. The REACH regulation should be continuously developed in order to ban certain substances already in the authorisation procedure.

The negative impact of the unsustainable practices of these sectoral policies has significantly undermined the achievement of the WFD objectives. In line with the targets 6.3, 6.4 and 6.6 of SDG 6, a harmonisation of these sectoral legislations will improve water use efficiency and water protection of its quality.

4. Second step: an integrated approach and appropriate governance involving local governments

Local governments must be more involved in water management and legislation. As the administrative level closest to the water, they have the most adequate knowledge and data of water bodies. Enforcement actions on local level are a vital factor to achieve the targets of the directive.

There is also a need for a greater flexibility to ensure that the most efficient action is taken for every specific water body at the right level. Moreover, local governments are also closest to the citizens and other local stakeholders and can raise awareness with respect to behavioural aspects. An appropriate governance of water management is the focus of SDG target 6.5, which aims to implement integrated water resources management at all levels by 2030.

5. Third step: a genuine simplification and reduction of the administrative burden in terms of implementation and reporting and/or creation of corresponding funding to support

The implementation and reporting requirements are very technical and legally complex. There are many challenges to apply and implement the Directive properly. The WFD has imposed **disproportionate administrative burden on regional and local authorities as well as water companies** as the permit processes are taking longer and are substantially more demanding. This review must aim for simplification in order to ease the work of the practitioners.

Furthermore, the actions imposed on local governments, which are to be carried out in accordance with the Program of Measures, do not come with any funding from state level. It is impossible for municipalities to implement all actions without corresponding funding, which means that municipalities must make priorities. The national level must guide municipalities in the region to ensure a coordinated and coherent approach to the implementation of the programme of measures.

6. Move towards the implementation of the polluter pays principle

The WFD rightly states that water conservation measures must always take into account cost-effectiveness. Since potentially burdensome substance entries can be of diverse origin, including diffuse entries, all sources must be examined for their reduction potential. In order to ensure full implementation of the cost recovery principle, the review should therefore consider a source control approach and the application of the polluter pays principle. It would ensure transparency of roles and responsibilities of all the stakeholders involved in the water governance – and not only the “end of pipe” actor, i.e. municipal water treatment plants. Implementing the polluter pays principle would also improve stakeholder engagement and the coherence between WFD and the water industry directives.

7. Derogations to the WFD should be allowed when protective measures are guaranteed

According to the Directive, Member States are not allowed to deteriorate or jeopardise the achievement of the status of a water body but they can make exemptions under certain conditions (article 4.7). However, this regime of exemptions is unevenly applied by the Member States. Moreover, it appears to be too rigid since it practically does not allow societally important activities such as the creation of a waste water treatment plant in urban areas.

Therefore, we call for the development of the regime of exemptions to allow a certain amount of human impact activities necessary for societal development as long as all necessary protective measures are taken. This is a crucial point to improve the liveability and sustainability of cities and towns in the future. It will also eventually improve recycling and safe water reuse, one of the global objectives of SDG 6 (6.3).

Annex: SDG 6 Clean water and sanitation – list of targets

6 CLEAN WATER AND SANITATION



- 6.1** By 2030, achieve universal and equitable access to safe and affordable drinking water for all
- 6.2** By 2030, achieve access to adequate and equitable sanitation and hygiene for all and end open defecation, paying special attention to the needs of women and girls and those in vulnerable situations
- 6.3** By 2030, improve water quality by reducing pollution, eliminating dumping and minimizing release of hazardous chemicals and materials, halving the proportion of untreated wastewater and substantially increasing recycling and safe reuse globally
- 6.4** By 2030, substantially increase water-use efficiency across all sectors and ensure sustainable withdrawals and supply of freshwater to address water scarcity and substantially reduce the number of people suffering from water scarcity
- 6.5** By 2030, implement integrated water resources management at all levels, including through transboundary cooperation as appropriate
- 6.6** By 2020, protect and restore water-related ecosystems, including mountains, forests, wetlands, rivers, aquifers and lakes
- 6.A** By 2030, expand international cooperation and capacity-building support to developing countries in water- and sanitation-related activities and programmes, including water harvesting, desalination, water efficiency, wastewater treatment, recycling and reuse technologies
- 6.B** Support and strengthen the participation of local communities in improving water and sanitation management

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About CEMR

The Council of European Municipalities and Regions (CEMR) is the broadest organisation of local and regional governments in Europe. Its members are over 60 national associations of municipalities and regions from 41 European countries. Together these associations represent some 100,000 local and regional governments.

CEMR's objectives are twofold: to influence European legislation on behalf of local and regional authorities and to provide a platform for exchange between its member associations and their elected officials and experts.

Moreover, CEMR is the European section of United Cities and Local Governments (UCLG), the worldwide organisation of local government.

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